

REMARKS

Claims 1-23 are pending. Claim 23 has been added by this amendment. No new matter has been presented.

Applicants thank the Examiner for the indication that claims 9-22 are allowed.

Claims 1-3 and 5-8 are rejected under 35 USC 103(a) as being unpatentable over Ohkubo, U.S. Patent No. 5,832,018, in view of Serreze, U.S. Patent No. 5,222,090. This rejection is respectfully traversed.

The Examiner now contends that Ohkubo teaches all of the claimed features except a semiconductor laser device having an oscillation wavelength of larger than 760 nm and smaller than 800 nm. The Examiner asserts that Serreze teaches this feature and that it would have been obvious to combine the semiconductor laser device of Serreze with the semiconductor laser device of Ohkubo. Applicants respectfully disagree.

First, claim 1 recites "said one or more well layers and said barrier layers are formed of any one of InGaP, InGaAsP and GaAsP." Applicants submit that contrary to the Examiner's assertion, Ohkubo fails to teach or suggest this feature. Ohkubo's well layer is formed of InGaAs, and not InGaP, InGaAsP or GaAsP (see the Claims and Abstract).

Second, as asserted in response to the previous Office Action where the Examiner combined Fukunaga and Serreze, this combination is improper because Serreze's laser and Ohkubo's laser which have different oscillation wavelengths. Ohkubo's laser uses a InGaAs quantum well layer. Although Ohkubo does not specifically disclose the wavelength of the laser, such a well layer is usually used in 980 nm band LDs. Due to the difference in wavelength of laser, a combination of materials of layers of the Ohkubo's laser is different from that of the Serreze's laser which has an oscillation wavelength of 670 - 860 nm. Thus, Ohkubo and Serreze cannot be simply combined in hindsight because Ohkubo were modified in view of Serreze to have a wavelength range of 700 nm – 850 nm, as taught by Serreze, it would also be necessary to use the

same materials used in the semiconductor laser device of Serreze. This would teach away from the claimed invention.

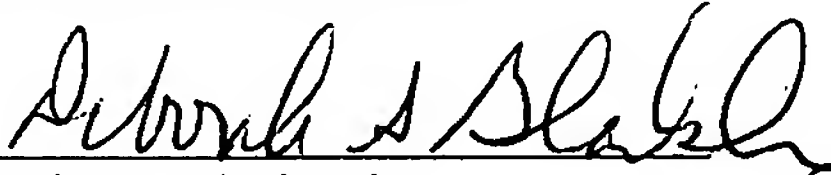
In light of the foregoing reasons, applicants request that this rejection be withdrawn.

New claim 23 is allowable at least due to its dependency from claim 1.

In the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 204552028900.

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Respectfully submitted,

By 
Deborah S. Gladstein

Registration No.: 43,636
MORRISON & FOERSTER LLP
1650 Tysons Blvd, Suite 400
McLean, Virginia 22102
(703) 760-7753